REMARKS/ARGUMENTS

I.   STATUS OF CLAIMS

Claims 1-11, 15-39, 43-67, 71-126 remain in this application. Claims 7, 35, 63

have been amended.

II.   CLAIM REJECTIONS – 35 U.S.C. § 103

The Office Action rejected Claims 1-5, 8-9, 15-33, 36-37, 43-61, 64-65, 71-91,

93-104, 107-118 and 121-126 under 35 U.S.C. § 103(a) as being unpatentable over

Ismail, (U.S. Pat # 6,614,987), in view of Rosin, (U.S. Pat # 6,028,600) and White (U.S.

Patent #5,596,373). The rejection is respectfully traversed.

Claims 1, 29, and 57 appear as follows:

1.   A process for scheduling the recording, storing, and deleting of

television and/or Web page program material on a storage medium in a

computer environment, comprising the steps of:

accepting a prioritized list of program viewing preferences;

wherein said list contains a viewer's explicit preferred program

selections for recording and inferred preferred program selections for

recording;

comparing said list with a database of program guide objects;

generating a schedule of time versus available storage space that is

optimal for the viewer's explicit or inferred preferred programs;

wherein said preferred programs include television broadcast

programs and/or Universal Resource Locators (URLs);

wherein said program guide objects indicate when programs of interest are broadcast;

generating an ordered list of future showings of a specific program of interest using said database of program guide objects;

wherein each showing of said specific program of interest in said ordered list is checked for input source or storage space conflicts with programs previously scheduled for recording; and

wherein if a particular showing of said specific program of interest is found having no input and/or space conflicts, then said particular showing of said specific program of interest is scheduled for recording.

29. An apparatus for scheduling the recording, storing, and deleting of television and/or Web page program material on a storage medium in a computer environment, comprising:

a module for accepting a prioritized list of program viewing preferences;

wherein said list contains a viewer's explicit preferred program selections for recording and derived preferred program selections for recording;

a module for comparing said list with a database of program guide objects;

a module for generating a schedule of time versus available storage space that is optimal for the viewer's explicit or inferred preferred programs;

wherein said preferred programs include television broadcast programs and/or Universal Resource Locators (URLs);

wherein said program guide objects indicate when programs of interest are broadcast;

a module for generating an ordered list of future showings of a specific program of interest using said database of program guide objects;

wherein each showing of said specific program of interest in said ordered list is checked for input source or storage space conflicts with programs previously scheduled for recording; and

wherein if a particular showing of said specific program of interest is found having no input and/or space conflicts, then said particular showing of said specific program of interest is scheduled for recording.

57.   A program storage medium readable by a computer, tangibly embodying a program of instructions executable by the computer to perform method steps for scheduling the recording, storing, and deleting of television and/or Web page program material on a storage medium in a computer environment, comprising the steps of:

accepting a prioritized list of program viewing preferences;

wherein said list contains a viewer's explicit preferred program selections for recording and derived preferred program selections for recording;

comparing said list with a database of program guide objects;

generating a schedule of time versus available storage space that is

optimal for the viewer's explicit or inferred preferred programs;

wherein said preferred programs include television broadcast

programs and/or Universal Resource Locators (URLs);

wherein said program guide objects indicate when programs of

interest are broadcast;

generating an ordered list of future showings of a specific program

of interest using said database of program guide objects;

wherein each showing of said specific program of interest in said

ordered list is checked for input source or storage space conflicts with

programs previously scheduled for recording; and

wherein if a particular showing of said specific program of interest

is found having no input and/or space conflicts, then said particular

showing of said specific program of interest is scheduled for recording.

i)   In particular, the Office Action states (emphasis added):

"Regarding the claimed feature of generating an order list of future
showings of a specific program of interest, using the database of program guide
objects, Ismail does not teach the claimed feature. However, White teaches
providing a list of future showings of a particular program of interest, see Fig.
15A & 15B, col. 8, lines 4-54. It would have been obvious for one of ordinary
skill in the art at the time the invention was made to modify Ismail with the
feature of providing a list future showings of a program of interest, as taught by
White, at least **for the desirable purpose of enabling the subscriber see and
purchase a desired program at a more convenient time.**"

However, given the Office Action's rationale for modifying Ismail with White

results in a system that allows a user to select a showing of a program from a list of

showings of a program, the list of showings of the program excludes the user's first

selection of a showing of the selected program. The user selected program showing is recorded if it is the highest rated program when compared to other rated programs. This is not what is claimed in Claims 1, 29, and 57. Claims 1, 29, and 57 specifically state:

"wherein each showing of said specific program of interest in said ordered list is checked for input source or storage space conflicts with programs previously scheduled for recording; and

wherein if a particular showing of said specific program of interest is found having no input and/or space conflicts, then said particular showing of said specific program of interest is scheduled for recording."

Further, there is no mention of "enabling the subscriber see and purchase a desired program at a more convenient time" in the Claims. Claims 1, 29, and 57 are contrary to what the Office Action reasons as the motivation to combine Ismail and White.

White specifically teaches away from what is claimed in Claims 1, 29, and 57 by stating that a **user** must select a particular time from a listing of **other** broadcast times for the selected program. Col. 8, lines 40-53 states (emphasis added):

> "As noted above, the program list provides the user easy way to purchase pay-per-view programming. At step 1045, if the user moves the pointer to a program start time of a pay-per-view program, the system responds by providing a purchase menu. An example of a purchase menu is shown in FIG. 15A. Using the purchase menu, the user can select to purchase the program in advance or at the time of broadcast. Referring to FIG. 15A, if the user wishes to see a listing of **other** broadcast times for the selected program he selects the "Times" button 1505. The system responds by providing a listing of other times as shown in FIG. 15B. **Selecting a particular time, as evidenced by the check mark 1510, and selecting OK, enables the user to purchase the program to view.**"

White specifies that: 1) a user must select a particular time from a listing of **other** broadcast times for the selected program (also supported in Fig. 15B), and 2) that the

listing of other broadcast times of the selected program does not include the user's first selection of the program broadcast time (also supported in Fig. 15A).

Therefore, combining Ismail with White as the Office Action states results in Ismail's system that allows a user to 1) select a particular time from a listing of other broadcast times for the selected program, and 2) that the listing of other broadcast times of the selected program does not include the user's first selection of the program broadcast time. This is not what is claimed in Claims 1, 29, and 57.

ii) The Office Action further states:

"The additionally claimed feature of checking each showing of space and input source conflicts, and only recoding the programs without conflicts, is consistent with the above cited teachings of Ismail, (col. 10, lines 1-14) and & Woods (Para 0038)."

However, the Office Action has misquoted the elements of Claims 1, 29, and 57. Specifically, said Claims cite:

"wherein each showing of said specific program of interest in said ordered list is checked for input source or storage space conflicts with programs previously scheduled for recording; and

wherein if a particular showing of said specific program of interest is found having no input and/or space conflicts, then said particular showing of said specific program of interest is scheduled for recording."

First, the Office Action states that the Claims cite "and only recoding the programs without conflicts". This is incorrect. The Claims cite "wherein if a particular showing of said specific program of interest is found having no input and/or space conflicts, then said particular showing of said specific program of interest is scheduled for recording."

The Office Action's interpretation of the Claims means that all programs without conflicts are recorded. Applicant respectfully points out that the Office Action has ignored the language of the claimed elements and interprets the citation of a "specific program of interest" as any program.

> "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson,* 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).

Second, Ismail and Wood do not teach or disclose a system wherein each showing of said specific program of interest in said ordered list is checked for input source or storage space conflicts with programs previously scheduled for recording, and wherein if a particular showing of said specific program of interest is found having no input and/or space conflicts, then said particular showing of said specific program of interest is scheduled for recording as claimed in Claims 1, 29, and 57. Ismail in col. 9, line 59-col. 10, line 14 states (emphasis added):

> "Recording manager 112 causes recording of programs 105 by periodically initiating a sequence of steps shown in FIG. 2. At 201, recording manager 112 sends a request to preference agent 110 for ratings of **all programs** at a particular time (X), or alternatively, for ratings of **all programs** within a particular time period (X). By way of example, the steps shown in FIG. 2 may be performed every six hours. In certain embodiments, the frequency with which the steps in FIG. 2 are performed may be changeable by the user. Preference agent 110 responds at step 202 by providing ratings, from preference database 116, for each program received from recording manager 112. Recording manager 112 then causes recordation of the programs at time X, or within time period X in accordance with the ratings received from preference agent 110. Specifically, programs having the highest rating are given highest preference for recordation and programs having the lowest rating are given lowest preference to recordation. The recordation is subject to storage capacity constraints. For example, if the highest rated program is one-hour long, and only thirty minutes of recording space is available on storage devices 106, then the one-hour program is skipped and the highest rated thirty-minute program is recorded."

Ismail makes no mention of each **showing of said specific program of interest in said ordered list is checked for input source or storage space conflicts with programs**

previously scheduled for recording as claimed in Claims 1, 29, and 57. Ismail teaches

away from such a feature by teaching that all programs at a particular time, or

alternatively, all programs within a particular time period are checked for their ratings

and then the highest rated program is recorded by a recording manager unless the

program does not fit into the available space, then the highest rated program that fits into

the available space is recorded instead. Ismail does not contemplate a system wherein

each showing of said specific program of interest in said ordered list is checked for

input source or storage space conflicts with programs previously scheduled for recording

as claimed in Claims 1, 29, and 57.

Wood in Para 0037 and 0038 state (emphasis added):

> "[0037] Turning now to FIG. 2, an overall method of recording
> programming is described. In accordance with FIG. 2, the processor 101
> monitors the criteria database 104 and the channel guide to determine
> when programming is available which meets predetermined user
> selectable criteria, block 201. The user or users may have previously
> provided criteria over user interface 108. In the described embodiment,
> any of a number of criteria may be specified. Various criteria are
> discussed in greater detail below. If no current programming meets the
> preselected criteria, branch 202, the processor 101 continues to monitor
> for programming meeting the criteria.
>
> [0038] When programming is available which meets the criteria, branch
> 203, a determination is made **whether multiple programs
> simultaneously meet the criteria**. In certain embodiments, only a single
> video input source 106 may be provided allowing only a single program to
> be recorded at a time. In alternative embodiments, multiple video input
> sources may be available allowing simultaneous recording of multiple
> channels. **If sufficient video input sources are not available to allow
> recording of all shows which meet the criteria, branch 206, the system
> determines the highest priority programming based on user provided
> priority information.**

As noted above, the Office Action ignores the claim language in Claims 1, 29,

and 57. Wood does not teach or disclose a system wherein **each showing of said**

specific program of interest in said ordered list is checked for input source or storage

space conflicts with programs previously scheduled for recording, and wherein if a **particular showing of said specific program of interest** is found having no input and/or space conflicts, then said particular showing of said specific program of interest is scheduled for recording as claimed in Claims 1, 29, and 57. Wood teaches away from the claimed invention by teaching that a determination is made whether **multiple programs simultaneously** meet the predetermined user selectable criteria and, if multiple video input sources are available, then allowing simultaneous recording of multiple channels. This is contrary to what is claimed in Claims 1, 29, and 57.

Therefore, Ismail in view of Rosin and White does not teach or disclose the invention as claimed.

Claims 1, 29, and 57 are in allowable condition. Claims 2-5, 8-9, 12, 14-28, and 30-33, 36-37, 40, 42-56, and 58-61, 64-65, 68, 70-84, are dependent upon independent Claims 1, 29, and 57, respectively. Claims 85, 99, and 113 are allowable in similar manner as Claims 1, 29, and 57. Claims 90-91, 93-98, and 100-104, 107-112, and 114-118, 121-126 are dependent upon independent Claims 85, 99, and 113, respectively. Therefore, Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. §103(a).

III.   CLAIM REJECTIONS – 35 U.S.C. § 103

The Office Action rejected Claims 6-7, 10-11, 34-35, 38-39, 62-63, 66-67, 91-92, 105-106 & 119-120 under 35 U.S.C. § 103(a) as being unpatentable over Ismail & Rosin, in view of Wood (U.S. PGPUB 2002/0054752 A1) The rejection is respectfully traversed.

The rejection under 35 USC §103(a) is deemed moot in view of Applicant's comments regarding Claims 1, 29, 57, 85, 99, and 113, above. Claims 6-7, 10-11, 13, and 34-35, 38-39, 41, and 62-63, 66-67, 69 and 91-92, and 105-106 and 119-120 are dependent upon independent Claims 1, 29, 57, 85, 99, and 113, respectively. Therefore, Applicant respectfully requests that the Examiner withdraw the rejection under 35 USC §103(a).

IV. MISCELLANEOUS

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

The Applicants believe that all issues raised in the Office Action have been addressed and that allowance of the pending claims is appropriate. Entry of the amendments herein and further examination on the merits are respectfully requested.

The Examiner is invited to telephone the undersigned at (408) 414-1080 ext. 214, to discuss any issue that may advance prosecution.

No fee is believed to be due specifically in connection with this Reply. To the extent necessary, Applicants petition for an extension of time under 37 C.F.R. § 1.136. The Commissioner is authorized to charge any fee that may be due in connection with this Reply to our Deposit Account No. 50-1302.

Respectfully submitted,

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on ___March 1, 2006___   by _____
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